

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO.</b> _____
	:	
<b>v.</b>	:	<b>DATE FILED:</b> _____
	:	
<b>NICHOLAS R. WESTALL</b>	:	<b>VIOLATIONS:</b> <b>18 U.S.C. § 371</b>
<b>MELISSA GARNER,</b>	:	<b>(conspiracy to commit bank</b>
<b>a/k/a "Melissa Grebauski"</b>	:	<b>fraud - 1 count)</b>
	:	<b>18 U.S.C. § 656</b>
	:	<b>(bank embezzlement - 1 count)</b>

**INFORMATION**

**COUNT ONE**

**THE UNITED STATES ATTORNEY CHARGES THAT:**

At all times material to this information:

1. Defendants NICHOLAS R. WESTALL and MELISSA GARNER, resided together at 1323 Sigel Street in Philadelphia, Pennsylvania.
2. Citizens Bank was a financial institution whose deposits were insured by the Federal Deposit Insurance Corporation, certificate number 57282, and had branch locations throughout the Philadelphia area.
3. Defendant NICHOLAS R. WESTALL was employed as a teller at Citizens Bank in Philadelphia.

**THE CONSPIRACY**

4. From in or about March 2005 through on or about August 5, 2005, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**NICHOLAS R. WESTALL and  
MELISSA GARNER,  
a/k/a “Melissa Grebauski,”**

conspired and agreed together to commit an offense against the United States, that is, to knowingly and with intent to defraud steal \$100,000 by embezzling funds from the bank accounts of Citizens Bank customers, by assuming the identities of Citizens Bank account holders and then obtaining credit cards in their names, and by preparing and negotiating counterfeit checks using the account numbers of Citizens Bank customers, in violation of Title 18, United States Code, Sections 656, 1029 and 1344.

**MANNER AND MEANS**

5. It was a part of the conspiracy that defendant NICHOLAS R. WESTALL obtained in the course of his duties as a teller at Citizens Bank personal identification and bank account information of bank customers which he then used or attempted to use in order to (a) obtain credit cards and make fraudulent purchases; (b) steal money directly from customer accounts, and (c) create and negotiate counterfeit checks.

It was further a part of the conspiracy that:

6. Defendant NICHOLAS R. WESTALL obtained the names, personal identifying information and bank account information of several elderly customers of Citizens Bank in the course of his regular duties as a bank teller.

7. Defendant NICHOLAS R. WESTALL applied for several credit cards using the stolen personal identifying information of Citizens Bank customers.

8. Defendant NICHOLAS R. WESTALL created “Hotmail” email accounts using the names of Citizens Bank customers in order to facilitate his efforts to fraudulently obtain

credit in their names and to communicate with credit card issuers and other merchants and credit providers.

9. Defendant NICHOLAS R. WESTALL used a credit card he fraudulently obtained and made purchases at local retail stores for both himself and for defendant MELISSA GARNER.

10. Defendant NICHOLAS R. WESTALL purchased a prepaid cell phone so that credit card issuers and other credit providers would have an untraceable telephone number to confirm the information contained in the fraudulent credit card applications that defendant WESTALL submitted and which could also be used by defendants WESTALL and GARNER to communicate with each other regarding their scheme.

11. Defendant MELISSA GARNER posed as one of the bank customers in whose name defendant WESTALL had obtained a credit card in an attempt to persuade the card issuer that the card was validly issued and was not being used for any fraudulent purposes.

12. Defendant NICHOLAS R. WESTALL established an online PayPal account in the name of a Citizens Bank customer and then transferred funds from that customer's bank account to the PayPal account for the purpose of using the PayPal account to make fraudulent purchases online.

13. Defendants NICHOLAS R. WESTALL and MELISSA GARNER used an abandoned house on Sigel Street in Philadelphia as the mailing address for one of the fraudulent online purchases that defendant WESTALL had made with funds he had stolen from the account of a Citizens Bank customer.

14. Defendants NICHOLAS R. WESTALL and MELISSA GARNER used defendant GARNER's prior mailing address as the mailing address for another one of the fraudulent online purchases that defendant WESTALL had made with funds he had stolen from the account of a Citizens Bank customer.

15. Defendant MELISSA GARNER recruited an individual whom she thought had previously been involved in fraudulent check schemes to help her and defendant WESTALL execute their scheme to prepare and negotiate counterfeit checks using the account numbers of Citizens Bank customers.

### **OVERT ACTS**

In furtherance of the conspiracy and to accomplish its unlawful objects, the following overt acts, among others, were committed in the Eastern District of Pennsylvania, and elsewhere:

1. From in or about March 2005 through and including July 2005, defendant NICHOLAS R. WESTALL, with input and assistance from defendant MELISSA GARNER, wrote down a step-by-step, detailed plan describing the manner in which they would obtain \$100,000 from Citizens Bank by stealing funds from customer accounts and by engaging in credit card fraud and check fraud.

2. In or about April 2005 and May 2005, defendant NICHOLAS R. WESTALL, in the course of his work as a teller at Citizens Bank, obtained personal identifying information of several elderly Citizens Bank customers, including their names, social security account numbers, dates of birth, addresses, driver's license numbers and bank account balances.

3. On or about May 26, 2005, defendant NICHOLAS R. WESTALL unsuccessfully applied for a Discover credit card, an AT&T Universal Platinum Mastercard, and an HSBC

credit card using the name and personal identifying information of victim “P.D.,” an elderly Citizens Bank customer whose personal information defendant WESTALL had obtained in the course of his employment as a bank teller at Citizens Bank.

4. On or about May 27, 2005, defendant NICHOLAS R. WESTALL applied for and received an AT&T Universal Platinum Card Mastercard using the name and personal identifying information of victim “P.A.,” an elderly Citizens Bank customer whose personal information defendant WESTALL had obtained in the course of his employment as a bank teller at Citizens Bank.

5. On or about June 4, 2005, defendant NICHOLAS R. WESTALL unsuccessfully applied for an American Express credit card using the name and personal identifying information of victim “P.A.,” an elderly Citizens Bank customer whose personal information defendant WESTALL had obtained in the course of his employment as a bank teller at Citizens Bank.

6. On or about the dates shown below, defendant NICHOLAS R. WESTALL used the AT&T Universal Platinum Card Mastercard issued in the name of victim “P.A.” to make the following fraudulent retail purchases for both himself and for defendant MELISSA GARNER:

<b><u>Date</u></b>	<b><u>Merchant</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
June 4, 2005	Target	Prepaid cellphone	\$139.08
June 5, 2005	Borders	Books	\$6.41
June 5, 2005	Hollister	Clothing	\$174.85
June 5, 2005	Sunglass Hut	Sunglasses	\$243.80
June 5, 2005	Starbucks	Coffee	\$4.07
June 5, 2005	Sunoco	Gas	\$52.00

June 5, 2005	Lord & Taylor	Clothing, handbag	\$667.36
June 5, 2005	Kenneth Cole	Leather bag	\$283.50
	<b>Total:</b>		<b><u>\$1,571.07</u></b>

7. In or about early June, 2005, after defendant NICHOLAS R. WESTALL had made the fraudulent credit card purchases described above and after learning that the credit card issuer had terminated the account, defendant MELISSA GARNER contacted the fraud department at AT&T Universal Platinum Mastercard and posed as victim “P.A.” in an attempt to persuade the card issuer that no fraudulent activity had occurred on the account and that the account be re-activated.

8. On or about June 16, 2005, defendant NICHOLAS R. WESTALL unsuccessfully applied for a Citibank credit card using the name and personal identifying information of victim “M.F.,” an elderly Citizens Bank customer whose personal information defendant WESTALL had obtained in the course of his employment as a bank teller at Citizens Bank.

9. On or about June 16, 2005, defendant NICHOLAS R. WESTALL unsuccessfully applied for a Discover credit card and an AT&T Universal Platinum Mastercard using the name and personal identifying information of victim “A.C.,” an elderly Citizens Bank customer whose personal information defendant WESTALL had obtained in the course of his employment as a bank teller at Citizens Bank.

10. In or about June 2005 or July 2005, defendant NICHOLAS R. WESTALL, in the course of his work as a teller at Citizens Bank, identified several large commercial bank accounts at Citizens Bank with balances in excess of \$1 million and wrote down the account numbers and

related account information for purposes of engaging in a counterfeit check scheme to obtain \$100,000 using those accounts.

11. In or about June 2005 or July 2005, defendant MELISSA GARNER researched Philadelphia public property records as part of her effort to determine the best abandoned house location to use as a shipping address for fraudulent purchases that defendant WESTALL planned to make in the course of their scheme.

12. On or about July 18, 2005, defendant NICHOLAS R. WESTALL established an online PayPal account using the identity of Citizens Bank customer "A.C."

13. On or about July 20, 2005, defendant NICHOLAS R. WESTALL transferred \$14,801 from the bank account of Citizens Bank customer "A.C." into the online PayPal account that defendant WESTALL had established in A.C.'s name.

14. On or about the dates shown below, defendant NICHOLAS R. WESTALL used the funds he stole from A.C.'s bank account and the online PayPal account he created using A.C.'s identity to make the following fraudulent purchases online:

<u>Date</u>	<u>Amount</u>	<u>Description</u>	<u>Merchant</u>
July 23, 2005	\$4,540	Two Tag Heuer watches	Tracy Burk
July 23, 2005	\$3,310	One Rolex watch	Vintagetime.com
July 26, 2005	\$5,400	One loose round cut diamond	SS Jewelry

15. In making these purchases, defendant NICHOLAS R. WESTALL requested that the Rolex watch be shipped to the apartment building where defendant MELISSA GARNER had previously resided and requested that the loose diamond and Tag watches be shipped to an

abandoned house on Sigel Street in Philadelphia near the residence of defendants WESTALL and GARNER.

16. On or about July 26, 2005, July 27, 2005 and July 28, 2005, defendant MELISSA GARNER contacted an individual whom she believed had experience in counterfeiting checks and attempted to recruit him to join in and assist defendants GARNER and WESTALL in creating and negotiating counterfeit checks as part of their plan to steal \$100,000 from Citizens Bank.

17. On or about July 28, 2005, defendant MELISSA GARNER asked the individual identified in the preceding paragraph to pose as victim "A.C." and go to the post office with her to sign for the Rolex watch that defendant WESTALL had purchased using A.C.'s identity.

18. In or about late July 2005 or early August 2005, defendant NICHOLAS R. WESTALL stole approximately 50 blank "counter checks" from Citizens Bank for the purpose of using the checks to steal funds from several large commercial bank accounts at Citizens Bank by placing the account numbers on the checks and then cashing the checks at local check cashing agencies.

All in violation of Title 18, United States Code, Section 371.



**COUNT TWO**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

On or about July 20, 2005, in Philadelphia, in the Eastern District of Pennsylvania,  
defendant

**NICHOLAS R. WESTALL**

being an employee, that is, a bank teller, of Citizens Bank, the accounts of which were insured by the Federal Deposit Insurance Corporation, certificate number 57282, knowingly embezzled, abstracted, purloined, and willfully misapplied approximately \$14,801 of funds and monies entrusted to the custody and care of Citizens Bank.

In violation of Title 18, United States Code, Section 656.

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**PATRICK L. MEEHAN**  
**United States Attorney**